

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-20 are presently pending in this case. Claims 1, 15, and 17 are amended by the present amendment. As amended Claims 1, 15, and 17 are supported by the original disclosure,¹ no new matter is added.

In the outstanding Official Action, Claims 15 and 16 were rejected under 35 U.S.C. §112, first paragraph; Claims 1-3, 15, and 17-19 were rejected under 35 U.S.C. §103(a) as unpatentable over Yanagihara (U.S. Patent No. 5,835,668) in view of Lane (U.S. Patent No. 5,793,927); and Claim 8 was rejected under 35 U.S.C. §103(a) as unpatentable over Yanagihara in view of Lane and further in view of Acharya et al. (U.S. Patent Application Publication No. 20030194008, hereinafter "Acharya"). However, Claims 4-7, 9-14, and 16 were objected to as being dependent on a rejected base claim, but otherwise were indicated as including allowable subject matter if re-written in independent form.

Applicants gratefully acknowledge the indication that Claims 4-7, 9-14, and 16 include allowable subject matter.

With regard to the rejection of Claims 15 and 16 under 35 U.S.C. §112, first paragraph, paragraph 24 of the publication of the specification describes that one aspect of the invention includes a computer program. As one of ordinary skill in the art would clearly understand that a computer program is stored on a "computer readable medium," this phrase is supported at least by paragraph 24 the specification. Accordingly, Claims 15 and 16 are in compliance with all requirements under 35 U.S.C. §112, first paragraph.

With regard to the rejection of Claims 1, 15, and 17 as unpatentable over Yanagihara in view of Lane, that rejection is respectfully traversed.

¹See, e.g., the specification at paragraphs 128-142 of the publication of the application and Figure 6.

Amended Claim 1 recites in part:

checking means for checking predetermined time information of content data recorded in a first format by controlling a content providing device to reproduce at a faster speed than a normal speed of the content providing device such that ***only a portion of the content data*** recorded in the first format is checked by the checking means, ***said checking means comparing the predetermined time information from successive frames to determine start and end times for chapters of said content data;***

setting means for setting, on the basis of said content data time information checked by said checking means, bit rates with which said content data is recorded from said information processing apparatus to a predetermined removable recording medium; and

recording control means for converting the format of said content data from said first format to a second format and recording the converted content data to said recording medium with said bit rates set by said setting means.

Yanagihara describes a method for recording and reproducing digital data in which a PCR value is extracted from each time compressed data packet by PCR capture circuit 4.² The outstanding Office Action apparently cited PCR capture circuit 4 of Yanagihara as “checking means.”³ However, it is respectfully submitted that Yanagihara does not describe that PCR capture circuit 4 checks only a portion of the content data. In this regard, it is respectfully submitted that PCR capture circuit 4 will need to adjust each packet in a similar manner or the content data would not be readable. Thus, modifying the device of Yanagihara to include such a feature would make the device of Yanagihara unsuitable for its intended purpose. Therefore, there can be no suggestion or motivation to make such a modification.

Further, Yanagihara does not appear to describe that PCR capture circuit 4 compares the predetermined time information from successive frames for any purpose, much less to determine start and end times for chapters of said content data. Accordingly, it is respectfully

²See Yanagihara, column 4, lines 60-67.

³See the outstanding Office Action at page 5, lines 22-23.

submitted that Yanagihara does not teach or suggest this feature either. Moreover, it is further respectfully submitted that Lane does not teach or suggest these features.

Consequently, as the proposed accommodation does not teach or suggest each and every feature of amended Claim 1, and there would be no suggestion or motivation to modify the primary reference to include these features, Claim 1 (and Claims 2-14 dependent therefrom) is patentable over Yanagihara in view of Lane.

Amended Claim 15 recites in part “checking predetermined time information of content data recorded in a first format by controlling a content providing device to reproduce at a faster speed than a normal speed of the content providing device such that *only a portion of the content data recorded in the first format is checked, said checking including comparing the predetermined time information from successive frames to determine start and end times for chapters of said content data.*” As noted above, Yanagihara does not describe that PCR capture circuit 4 checks only a portion of the content data, or compares predetermined time information from successive frames for any purpose. Therefore, Yanagihara does not appear to describe “checking predetermined time information” as defined in Claim 15, and further there would be no suggestion or motivation to add such a feature to Yanagihara. Further, it is respectfully submitted Lane does not teach or suggest features either. Consequently, Claim 15 (and Claim 16 dependent therefrom) is also patentable over Yanagihara in view of Lane.

Amended Claim 17 recites in part “a checking unit configured to check predetermined time information of content data recorded in a first format by controlling a content providing device to reproduce at a faster speed than a normal speed of the content providing device such that *only a portion of the content data recorded in the first format is checked* by the checking unit, *said checking unit configured to compare the predetermined time information from successive frames to determine start and end times for chapters of said*


content data.” As noted above, Yanagihara does not describe that PCR capture circuit 4 checks only a portion of the content data, or compares predetermined time information from successive frames for any purpose. Thus, it is respectfully submitted that Yanagihara does not teach or suggest “a checking unit” as defined in amended Claim 17, and further there would be no suggestion or motivation to make such a modification to Yanagihara. Finally, it is respectfully submitted Lane does not teach or suggest these features either. Consequently, amended Claim 17 (and Claims 18-20 dependent therefrom) is patentable over Yanagihara in view of Lane.

With regard to the rejection of Claim 8 as unpatentable over Yanagihara in view of Lane and further in view of Acharya, it is noted that Claim 8 is dependent from Claim 1, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Acharya does not cure any of the above-noted deficiencies of Yanagihara and Lane. Accordingly, it is respectfully submitted that Claim 8 is patentable over Yanagihara in view of Lane and further in view of Acharya.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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